

rounding the District of Columbia included within the National Capital region; (3) “National Capital” means the District of Columbia and territory owned by the United States within the environs; and (4) “planning agency” means any city, county, bi-county, part-county, or regional planning agency authorized under State and local laws to make and adopt comprehensive plans whether or not its jurisdiction is exclusive or concurrent.

(June 6, 1924, ch. 270, § 1, 43 Stat. 463; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Apr. 30, 1926, ch. 198, 44 Stat. 374; May 24, 1928, ch. 726, 45 Stat. 726; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; July 19, 1952, ch. 949, § 1, 66 Stat. 781.)

CODIFICATION

Section is also set out in D.C. Code, § 1-2001.

AMENDMENTS

1952—Act July 19, 1952, restated the general purposes of sections 71 to 72, 73, and 74 of this title, and substituted entirely new provisions for former provisions relating to creation and duties of the “National Capital Park and Planning Commission” which have been superseded. See sections 71a to 71i of this title.

1928—Act May 24, 1928, provided that the Director of Public Buildings and Public Parks of the National Capital should be the executive and disbursing officer of said National Capital Park and Planning Commission.

1926—Act Apr. 30, 1926, amended section generally to establish and provide for a National Capital Park and Planning Commission, and abolished the Highway Commission which had been established by section 2 of act Mar. 2, 1893, ch. 197, 27 Stat. 533.

1925—Act Feb. 26, 1925, changed the name of the officer in charge of public buildings and grounds to the Director of Public Buildings and Public Parks of the National Capital.

SHORT TITLE OF 1952 AMENDMENT

Section 2 of act July 19, 1952, provided in part that: “Sections 1 and 2 of this Act [amending this section] may be cited as the ‘National Capital Planning Act of 1952.’”

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Ex. Ord. No. 6166, set out as a note under section 901 of Title 5, abolished Office of Public Buildings and Public Parks of National Capital and transferred functions thereof to Office of National Parks, Buildings and Reservations of Department of the Interior, and act Mar. 2, 1934, changed name of latter office to National Park Service.

Function of disbursement of moneys of United States by any agency except War Department, Navy Department, and Panama Canal, transferred to Treasury Department and, together with Office of Disbursing Clerk of that Department, consolidated in a Division of Disbursements, by section 4 of Ex. Ord. No. 6166 and Ex. Ord. No. 6728, May 29, 1934. Division of Disbursements consolidated in Fiscal Service by Reorg. Plan No. III of 1940, § 1(a)(3), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5. See section 306 of Title 31, Money and Finance.

STUDY COMMISSION TO INVESTIGATE AND STUDY SITES AND PLANS FOR FACILITIES AND SERVICES FOR VISITORS AND STUDENTS COMING TO WASHINGTON, D.C.

Pub. L. 89-790, Nov. 7, 1966, 80 Stat. 1424, created a Study Commission to make a full and complete inves-

tigation and study of sites and plans to provide facilities and services for visitors and students coming to the Nation’s Capital. The Commission was directed to report the results of its study and investigation to Congress not later than Sept. 15, 1967.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71h, 71i, 72, 72a, 74 of this title.

§ 71a. Federal and District planning agencies in National Capital

(a)(1) National Capital Planning Commission; creation; central Federal agency; functions; excepted functions

The National Capital Planning Commission (hereinafter referred to as the “Commission”) is created as the central Federal planning agency for the Federal Government in the National Capital, and to preserve the important historical and natural features thereof, except with respect to the United States Capitol buildings and grounds as defined in sections 193a and 193m of this title, and to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol.

(2) Mayor of District of Columbia; central local agency; functions; excepted functions; comprehensive plan for District; procedures for citizen participation and consultations with non-Federal agencies

The Mayor of the District of Columbia (hereinafter referred to as the “Mayor”) shall be the central planning agency for the government of the District of Columbia (hereinafter referred to as the “District”) in the National Capital. The Mayor shall be responsible for coordinating the planning activities of the District government and for preparing and implementing the District elements of the comprehensive plan for the National Capital, which may include land use elements, urban renewal and redevelopment elements, a multiyear program of public works for the District, and physical, social, economic, transportation, and population elements. The Mayor’s planning responsibility shall not extend to Federal or international projects and developments in the District, as determined by the Commission, or to the United States Capitol buildings and grounds as defined in sections 193a and 193m of this title, or to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibility under this section, the Mayor shall establish procedures for citizen participation in the planning process, and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a comprehensive plan (including amendments thereto) affecting or relating to the District.

(3) Comprehensive plan for District; functions of Mayor and Council respecting impact on Federal Establishment

The Mayor shall submit each District element of the comprehensive plan and any amendment thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to imple-

mentation, the Council shall submit each such element or amendment to the Commission for review and comment with regard to the impact of such element or amendment on the interests or functions of the Federal Establishment in the National Capital.

(4) Certifications; incorporation and implementation; Council's action; joint publication of Federal activities elements and District elements; time limitation extension, authority of Council; joint establishment of procedures for consultations throughout planning process

(A) The Commission shall, within sixty days after receipt of such a District element of the comprehensive plan, or amendment thereto, from the Council, certify to the Council whether such element or amendment has a negative impact on the interests or functions of the Federal Establishment in the National Capital. If within such sixty days the Commission takes no action with respect to such element or amendment, such element or amendment shall be deemed to have no such negative impact, and such element or amendment shall be incorporated into the comprehensive plan for the National Capital and shall be implemented.

(B) If the Commission finds, within such sixty days, such negative impact, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission's findings and recommendations, the Council may—

(i) reject such findings and recommendations and resubmit such element or amendment, in a modified form, to the Commission for reconsideration; or

(ii) accept such findings and recommendations and modify such element or amendment accordingly.

If the Council accepts such findings and recommendations and modifies such element or amendment under clause (ii), the Council shall submit such element or amendment to the Commission for it to determine whether such modification has been made in accordance with the Commission's findings and recommendations. If, within thirty days after receipt of the modified element or amendment, the Commission takes no action with respect to such element or amendment, it shall be deemed to have been modified in accordance with such findings or recommendations, and shall be incorporated into the comprehensive plan for the National Capital and shall be implemented. If within such thirty days, the Commission again determines such element or amendment to have a negative impact on the functions or interests of the Federal Establishment in the National Capital such element or amendment shall not be implemented.

(C) If the Council rejects the findings and recommendations of the Commission and resubmits a modified element or amendment to it under clause (i), the Commission shall, within sixty days after receipt of such modified element or amendment from the Council, determine whether such modified element or amendment has a negative impact on the interests or functions of the Federal Establishment within the National

Capital. If the Commission finds such negative impact it shall certify its findings (in sufficient detail that the Council can understand the basis of the objection of the Commission) and recommendations to the Council, and such element or amendment shall not be implemented. If the Commission takes no action with respect to such modified element or amendment within such sixty days, such modified element or amendment shall be deemed to have no such negative impact and shall be incorporated into the comprehensive plan and it shall be implemented. Any element or amendment which the Commission has determined to have a negative impact on the Federal Establishment in the National Capital, and which is submitted again in a modified form not less than one year from the day it was last rejected by the Commission shall be deemed to be a new element or amendment for purposes of the review procedure specified in this section.

(D) The Commission and the Mayor shall jointly publish, from time to time as appropriate, a comprehensive plan for the National Capital, consisting of the elements of the comprehensive plan for the Federal activities in the National Capital developed by the Commission, and the District elements developed by the Mayor and the Council in accordance with the provisions of this section.

(E) The Council may grant, upon request made to it by the Commission, an extension of any time limitation contained in this section.

(F) The Commission and the Mayor shall jointly establish procedures for appropriate meaningful continuing consultation throughout the planning process for the National Capital.

(b) National Capital Planning Commission; official members; citizen members; qualifications, terms of office, vacancies, compensation

The National Capital Planning Commission shall be composed of—

(1) ex officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Mayor, the Chairman of the Council of the District of Columbia, and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition,

(2) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Mayor. The citizen members appointed by the Mayor shall be bona fide residents of the District of Columbia and of the three appointed by the President at least one shall be a bona fide resident of Virginia and at least one shall be a bona fide resident of Maryland. The terms of office of the members appointed by the President shall be for six years, except that of the members first appointed, the President shall designate one to serve two years and one to serve four years. Members appointed by the Mayor shall serve for four years. The members first appointed under this section shall assume their office on

January 2, 1975. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of \$100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.

(c) Chairman; officers; Director and other personnel; employment of city planners, architects, etc.; compensation

The President shall designate the Chairman of the Commission and the Commission may elect from among its members such other officers as it deems desirable. The Commission is authorized to employ a Director, an executive officer, and such other technical and administrative personnel as it may deem necessary. Further, without regard to section 5 of title 41, the civil service and classification laws, or section 3109 of title 5, the Commission may employ, by contract or otherwise, the temporary or intermittent (not in excess of one year) services of city planners, architects, engineers, appraisers, and other experts or organizations thereof, as may be necessary to carry out its functions, and in any such case the rate of compensation shall be fixed by the Commission so as not to exceed the rate usual for similar services.

(d) Advisory and coordinating committees; participation by representatives of planning and developmental agencies

The Commission may establish, with the consent of each agency concerned as to its representation, such advisory and coordinating committees composed of representatives of such agencies of the Federal and District of Columbia Governments as may be necessary or helpful to obtain the maximum amount of cooperation and correlation of effort among the various agencies of such Governments, in order that the National Capital may be developed in accordance with the comprehensive plan. As it may deem appropriate, the Commission may invite representatives of the planning and developmental agencies of the environs to participate in the work of such committees.

(e) General scope of functions

As hereinafter more specifically described in sections 71c to 71g of this title, it shall be among the principal duties of the Commission to (1) prepare, adopt, and amend a comprehensive plan for the Federal activities in the National Capital and make related recommendations to the appropriate developmental agencies; (2) serve as the central planning agency for the Federal Government within the National Capital region, and in such capacity to review their development programs in order to advise as to consistency with the comprehensive plan; and (3) be the representative of the Federal and District Governments for collaboration with the Regional Planning Council, as hereinafter provided.

(June 6, 1924, ch. 270, § 2, as added July 19, 1952, ch. 949, § 1, 66 Stat. 782; amended Pub. L. 87-683, Sept. 25, 1962, 76 Stat. 575; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951;

Pub. L. 93-198, title II, § 203(a), (b), title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 779, 782, 785, 789.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (c), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The classification laws, referred to in subsec. (c), are classified generally to chapter 51 (§5101 et seq.) and to subchapter III (§5331 et seq.) of chapter 53 of Title 5.

Section 71e of this title, included within the reference in subsec. (e) to sections 71c to 71g of this title, was repealed by Pub. L. 93-198, title II, § 203(e), Dec. 24, 1973, 87 Stat. 782.

CODIFICATION

In subsec. (c), "section 3109 of title 5" substituted for "section 15 of Act of August 2, 1946 (5 U.S.C. 55a)" on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section is also set out in D.C. Code, § 1-2002.

PRIOR PROVISIONS

Provisions relating to the general powers and duties of the National Capital Park and Planning Commission, to which the National Capital Planning Commission succeeded under the provisions of section 71h of this title, were contained in section 71 of this title prior to amendment by act July 19, 1952.

AMENDMENTS

1973—Subsec. (a). Pub. L. 93-198, § 203(a), incorporated existing subsec. (a) text in provisions designated as par. (1), made the Commission the central Federal planning agency only for the Federal Government in the National Capital, except certain areas from the Commission's jurisdiction, and added pars. (2) to (4).

Subsec. (b)(1). Pub. L. 93-198, § 203(a), substituted as members ex officio: Secretary of the Interior, Secretary of Defense, Administrator of General Services Administration, Commissioner, Chairman of District of Columbia Council for former such members: Chief of Engineers of Army, Engineer Commissioner of District of Columbia, Director of National Park Service, Commissioner of Public Buildings, Federal Highway Administrator, and Administrator of National Capital Transportation Agency, and substituted provision for designation of alternates for service in stead of any official for former such provision applicable only to committees on the District of Columbia of the Senate and the House of Representatives.

Subsec. (b)(2). Pub. L. 93-198, § 203(a), substituted provisions for: citizen members with experience in planning for former provision for such membership from eminent citizens well qualified and experienced in planning; appointment by President of three members, including one each for Virginia and Maryland, for six year terms, including initial appointments for two and four year terms, and by Commissioner of two members from the District for four year terms for former provision for such appointment by President, including two members from the District or the environs, including one appointee from three nominees of Commissioner of the District, for six year terms; compensation of \$100 per each day of actual service and necessary expenses for former provision for a per diem allowance and travel costs; provided for assumption of office by first appointees on Jan. 2, 1975; and deleted provisions respecting: waiver of professional requirements of District appointees of demonstrated capacity for leadership in planning and development of the District, service of unexpired terms of appointive members of National Capital Park and Planning Commission as members of National Capital Planning Commission, and expiration of initial appointments on Apr. 30, 1953, 1954, 1955, 1956, and 1957, and every six years after such appointments.

Subsec. (e)(1). Pub. L. 93-198, § 203(b)(1), substituted "Federal activities in the National Capital" for "National Capital".

Subsec. (e)(2). Pub. L. 93-198, §203(b)(2), substituted “Government” for “and District Governments.”.

1962—Subsec. (b)(1). Pub. L. 87-683 inserted “the Administrator of the National Capital Transportation Agency,” before “the chairmen of the committees”.

TRANSFER OF FUNCTIONS

Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, “Mayor” substituted in text for “commissioner”.

“Council of the District of Columbia” substituted in text for “District of Columbia Council” pursuant to section 401 of Pub. L. 93-198. District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, classified to section 1-211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198, classified to section 1-221 of the District of Columbia Code.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the Commissioner of the District of Columbia pursuant to section 401 of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, which transferred the functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the Appendix to Title 5, Government Organization and Employees.

ABOLITION OF COMMITTEES ON THE DISTRICT OF COLUMBIA

Committee on the District of Columbia of Senate abolished and its jurisdiction given to Committee on Governmental Affairs of Senate, effective Feb. 11, 1977. See Rules XXV of Standing Rules of Senate, as amended by Senate Resolution 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

Committee on the District of Columbia of House of Representatives abolished by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. References to Committee on the District of Columbia treated as referring to Committee on Government Reform and Oversight of House of Representatives, see section 1(b) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

ABOLITION OF COUNCIL

National Capital Regional Planning Council abolished by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to

the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

GEOGRAPHIC INFORMATION SYSTEM FEES

Pub. L. 105-83, title II, Nov. 14, 1997, 111 Stat. 1589, provided in part: “That beginning in fiscal year 1998 and thereafter, the Commission is authorized to charge fees to cover the full costs of Geographic Information System products and services supplied by the Commission, and such fees shall be credited to this account as an offsetting collection, to remain available until expended.”

DEFINITIONS

The definitions in section 1-202 of the District of Columbia Code apply to this section as amended by Pub. L. 93-198.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71i, 72, 72a, 136 of this title.

§ 71b. Omitted

CODIFICATION

Section, act June 6, 1924, ch. 270, §3, as added July 19, 1952, ch. 949, §1, 66 Stat. 783, which established the National Capital Regional Planning Council, and set forth the composition and powers and functions of the Council, was omitted in view of the abolition of the Council by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note below.

REORGANIZATION PLAN NO. 5 OF 1966

Eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 29, 1966, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended [see 5 U.S.C. 901 et. seq.].

NATIONAL CAPITAL REGIONAL PLANNING COUNCIL

SECTION 1. ABOLITION

The National Capital Regional Planning Council (66 Stat. 783), together with all of its functions, is hereby abolished.

SEC. 2. LIQUIDATION

The National Capital Planning Commission shall make such provisions as it shall deem necessary respecting the winding up of the outstanding affairs of the National Capital Regional Planning Council.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I am transmitting Reorganization Plan No. 5 of 1966, prepared in accordance with the Reorganization Act of 1949, as amended.

The time has come to recognize the readiness of local governments in the Washington area to undertake a role which is properly and rightfully theirs. To that end, I am submitting a reorganization plan to abolish the National Capital Regional Planning Council.

Comprehensive regional planning is vital to the orderly development of our metropolitan areas. Nowhere is it more important than in the National Capital region.

To be most effective, regional planning must be a responsibility of the area's State and local governments acting together to solve mutual problems of growth and change. It should not be a Federal function, although the Federal Government should support and advance it.